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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,018	11/20/2001	Peter Wilens	PRW-100-A	6128

7590

01/02/2004

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/997,018

Applicant(s)

WILENS, PETER

Examin r

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communicati n appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is a first Non-Final Action regarding Application No. 09/997018.
2. Claims 1-19 are presented for examination, of which Claims 1 and 11 are Independent.
3. Claims 1-19 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew B. Sutcliffe (U.S. Patent No. 6,249,282 and Sutcliffe hereinafter) in view of Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter).

Regarding Claim 1, Sutcliffe discloses:

providing access to a database of profile information (Figure 1, Element 22 and corresponding text)

registering profile information in the database (Figure 3A, Element 200 and 202 and corresponding text)

Although Sutcliffe discloses matching one user with another and that the result of the match can be ordered (as in sorted) (Col 2, Line 65 through Col 3, Line 3) which indicates that the result of the match is really a list or a group of users or subscribers with similar characteristics, yet Sutcliffe does not explicitly indicate the step of grouping said subscriber with at least two said fellow subscribers to form at least one group, nor does the reference explicitly indicate the display step, and to better address all the limitations of the claim, the Examiner is combining a second reference for Olivier.

Olivier teaches grouping said subscriber with said at least two of said fellow subscribers to form at least one group based on similarities between said subscriber's profile information (Col 15, Line 52 through Col 16, Line 10; see also Col 14, Lines 62-65; see also Col 20, Lines 30-35); and the limitation of displaying said group of said subscribers (Col 24, Lines 36-38)¹. Given the intended broad application of the Sutcliffe system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sutcliffe with the teachings of Olivier to form a group of three or to match at least two users to another one and display the group on a display, as one would like to present the most matches with the best results to the user and at the same time provide the user with a better flexibility in the system to have more than one or two users or subscribers in the group, for instance in a discussion group, increasing the flexibility would lead to a more successful discussion by having more than one or two opinions to participate.

Regarding Claim 2, Sutcliffe discloses biographic information of the subscriber (Figure 2A, Element No. 50, 54 and 54A).

Regarding Claim 3, Sutcliffe discloses personal preferences of the subscriber (Figure 2A, Element No. 52).

Regarding Claim 4, wherein using an algorithm to determine a level of similarity between subscriber's profile information and said fellow subscriber's profile information (Olivier, Col 5, Lines 23-32) i.e.

one or more servers calculate the degree of matches between the user and every other user, by doing a one way or two-way match between users, using their user profile data and acceptance criteria data

wherein preferences are assigned integer values concatenated to form a lookup key and used to access an entry in a table containing the corresponding similarity value between two preferences (Sutcliffe, Col 9, Line 43 through Col 10, Line 15); and

summing similarity values (Sutcliffe, Col 9, Lines 54-57).

Regarding Claim 5, Olivier discloses having the similarity values between subscribers exceed a threshold value (Col 18, Lines 5-17; see also Col 19, Lines 58-59, i.e. *Rather than the previously described 100% match*; see also Col 8, Lines 27-30)².

Regarding Claim 6, the limitation of this claim has been noted in the rejected claim 1, above. It is therefor rejected as set forth above.

¹ Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see (Col 3, Lines 15-17; see also Figure 5, Element 108).

² Please note that the 100% mentioned in Col 8, Line 28 and other locations thought the reference is the threshold that was referred to in Col 19, Lines 58-59.

Regarding Claim 7, Olivier discloses utilizing subscriber's own matching criteria for establishing an acceptable level of similarities (Col 19, Lines 56-58).

Regarding Claim 8, Olivier discloses

selecting meeting time (Col 10, Lines 28-30)

notifying said subscribers of meeting time (Col 10, Lines 31-33).

Regarding Claims 9 and 10, Olivier discloses posting messages and in real-time also (Col 25, Lines 32-34).

Regarding Claim 11, the limitation of this claim has been noted in the rejected claims 1 and 4, above. It is therefor rejected as set forth above.

Regarding Claim 12, the limitation of this claim has been noted in the rejected claim 5, above. It is therefor rejected as set forth above.

Regarding Claim 13, the limitation of this claim has been noted in the rejected claim 6, above. It is therefor rejected as set forth above.

Regarding Claim 14, the limitation of this claim has been noted in the rejected claim 7, above. It is therefor rejected as set forth above.

Regarding Claim 15, the limitation of this claim has been noted in the rejected claim 8, above. It is therefor rejected as set forth above.

Regarding Claims 16-17, the limitation of this claim has been noted in the rejected claims 9-10, above. They are therefor rejected as set forth above.

Regarding Claims 18 and 19, Olivier discloses deleting subscribers from groups and composite groups (Col 14, Lines 23-28).

Other Prior Art Made of Record

6. a. Durand et al. (U.S. Patent No. 6272467) discloses a system for data collection and matching compatible profiles;

b. Collins (U.S. Patent No 6061681) discloses an on-line dating service for locating and matching people based on user-selected search criteria;

c. Sutcliffe et al. (U.S. Patent No. 6052122) discloses a method and apparatus for matching registered profiles; and

d. Collins (U.S. Patent No. 5963951) discloses a computerized on-line dating service for searching and matching people.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at
our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th
Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

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Patent Examiner
Technology Center 2100
December 28, 2003